



December 11, 2015

Comments submitted via email to spills.prca@ecy.wa.gov and Sonja.Larson@ecy.wa.gov

Sonja Larson
Response Technology Lead
Department of Ecology Spills Program
300 Desmond Dr SE
Lacey, WA 98503

RE: Marine Spill Response Corporation Primary Response Contractor application

Dear Ms. Larson,

Thank you for this opportunity to submit comments on the Marine Spill Response Corporation (“MSRC”) Primary Response Contractor (“PRC”) application.

FRIENDS of the San Juans (“FRIENDS”) is a 501(c)(3) non-profit organization established in 1979 to protect and restore the San Juan Islands and the Salish Sea for people and nature. In 2014 our annual budget was \$800,000 and we represent over 2,000 members. Using science, policy, law, education, and citizen activism, FRIENDS works to protect, preserve, and restore the land, water, and sea of the San Juan archipelago. Our activities include protection of Southern Resident Killer Whales and other endangered species; marine research and habitat restoration; ecological stewardship and conservation; land use and environmental compliance; community engagement and education. Our members live, work, and recreate in the San Juan Islands and the surrounding waters, where they enjoy observing wildlife and our natural heritage. FRIENDS is very concerned about oil spill response preparedness and response capacity in the San Juan Islands and the Salish Sea.

Please confirm that the MSRC is not required to respond to any Group 5 oils and/or non-floating oils. If the MSRC is the PRC for tankers and/or tank barges transporting Canadian oil sands crude oil (aka diluted bitumen and Canadian tar sands crude oil), Ecology should require spill response resources to detect, contain, and collect non-floating oils; and air quality monitoring and protective gear for spill responders. The United States Coast Guard’s May 29, 2014 report to Congress, “Risk Assessment of Transporting Canadian Oil Sands” states:

Typically, oil sands products are classified as Group IV oil for contingency planning, but during a spill may not behave as such. Additionally, the evaporation of volatile components of the diluents in Canadian oil sands products results in potentially toxic and/or flammable VOCs in the atmosphere above the spill. The initial portion of an oil

sand product response would emphasize minimizing public and responder hazards from light VOCs that would volatilize in the first several hours/days of the event. During this initial response phase, existing Group I oil response methods would be used to address floating diluent. Overtime, the dilbit will have an increased concentration of bitumen and a resulting decrease in American Petroleum Institute (API) gravity. This will increase the likelihood of the dilbit sinking or remaining suspended in the water column, which would require use of existing Group V oil technologies and procedures. ... Spills such as the Kalamazoo River discharge demonstrate the potential for fractionation of the spilled product, warranting response plans that address the combination of equipment and techniques for Group I and Group V oils that will be employed to contain and collect floating and/or submerged or suspended oil in the same response.

The MSRC identifies strike teams for the operating environment, "Open Water waves 0-6 ft;" for example, the *San Juan County Technical Manual - (6 hour) - Recovery System Detail: Recovery System ROYAL TERN* which includes two 36 foot work boats. The *Guidelines for the U.S. Coast Guard Oil Spill Removal Organization Classification Program* (April 2013) Section F. Open Ocean states: "All equipment to be used in this operating area must be capable of operating in 6-foot wave heights" and specifically requires boom that is greater than or equal to 42 inches. According to the application (and the Western Response Resource List (WRRL)), the boom included with the ROYAL TERN/TEAL strike team is 20 inches. The federal guidelines for OSROs do not specify what size work boats are required to successfully tow boom in conditions with waves up to six feet. Would the 36 foot workboats be suitable for towing boom at Turn Point? Please confirm that all boom and workboats included in this PRC application are capable of successfully containing and collecting all types of oils in the MSRC's identified operating environment, and in all areas/operating environments in the San Juan County Planning Standard area.

The *San Juan County Oil Spill Response Capacity Evaluation* (produced for San Juan County by Nuka Research & Planning Group, LLC) determined that using only those strike teams suited to open water conditions reduced potential recovery capacity. Please address this finding in Ecology's evaluation of the MSRC's PRC application.

WAC 173-182-350 (4) states, "Equipment travel speeds shall be computed using a speed of thirty-five miles per hour for land and five knots for water." WAC 173-182-350 (5) states, "Plan holders may request approval for alternative notification, mobilization, and travel time by providing documentation to justify the request, such as actual performance during spills or unannounced drills." And (5)(b) states, "If ecology accepts these alternative response times, then these response times will be tested in unannounced drills or spills to verify alternative calculations." Ecology approved the MSRC's alternate travel speeds over eight years ago, and the alternated travel speeds were not based on "actual performance during spills or unannounced drills." If Ecology allows the MSRC's alternate travel speeds to remain in effect, please confirm that these alternate response times have been "tested in unannounced drills or spills to verify alternative calculations" and that these alternate travel times are confirmed for travel to the operating environments in the San Juan County Planning Standard area.

Vessels of Opportunity (VOO) contracts for the San Juan Islands / North Puget Sound region includes only one VOO (out of twelve) that is resident in San Juan County (the TOWLINE, located in Friday Harbor, to be used for Geographic Response Plan support). The MSRC PRC should be required to have contracts for VOOs distributed throughout the VOO region.

Please reply with responses to all the requests in this comment letter and please also send the results of Ecology's review of the MSRC PRC application. Thank you for this opportunity to submit comments.

Sincerely,



Stephanie Buffum Field
Executive Director
FRIENDS of the San Juans